

## CONSTRUCTION SERVICES COMMISSION MINUTES FOR FEBRUARY 23, 2005

**Meeting convened at** 9:00 AM

**Adjourned at** 12:00 AM

### **DOPL STAFF**

Yvonne King, *Commission Secretary*  
Wayne Holman, *Supervisor, Investigations*  
Craig Jackson, *DOPL Director*  
Dennis Meservy, *Bureau Manager*  
Ray Walker, *Reg/Comp Officer*  
Lauri Arensmeyer, *Operations Manager*  
Russell Skousen, *Executive Director*  
Jason Perry, *Deputy Director*

### **MEMBERS PRESENT**

Brad Stevens, *Electrical Board Chairman*  
John Wilcox  
Dan Smith, *Chairman & Plumbing Board Chairman*  
Floyd Jackson  
Wendy Gibbs  
Joseph Woolley  
Erick Spotten, *Burglar Alarm Board Chairman*  
Thomas C. Mabey

### **MEMBERS EXCUSED**

Hardin Whitney, excused

### **VISITORS**

Ross Ford-UVSC, Renee McDonough-IEC,  
Larry Clubb-IEC, Tom Bingham-UMA,  
Matthew Bingham-Benchmark Hardwood, Jim  
Paull, Ken Mitchell-HBA, Taz Biesinger-HBA,  
Kurt Brooks-IEC, Durk Burton-IEC, Bob  
Burgman-Utah Sheet Metal, Ron Thorn-AGC,  
Tony Eatchell-Thomson Prometric

### **BUSINESS**

H.B. 302

Russell Skousen stated he felt the commission is not focusing on problems and the commission is a policy making body. Russell stated we need to thoroughly review from top to bottom what we need to do to get a handle on education and effective ways on raising the bar in the construction trades profession. Russell stated he would like to create an education fund that could be funded by fines generated from the construction industry. Russell also stated looking into creating a division within a division that relates to the construction entities and bring them under one person who is familiar with the issues. Floyd Jackson said we have proposed

continuing education but this is difficult considering we don't have required education to start with. Floyd stated there should be an education requirement to get the license in the first place. Floyd stated many contractors are not qualified to do the job and reiterated education should be required along with math and accounting which is also important in understanding the contracts. Floyd stated this would do a lot in cleaning up the industry. Floyd said we are building complicated buildings with computer technology and this is a more sophisticated business than it used to be. Floyd stated he has talked to other states on their requirements and testing etc., and we are ahead of most states so we are plowing new ground. Russell stated we need to take everything apart and put it back together again and make it work. Russell stated that 80 % of fines come from the construction industry but yet we don't have an education fund. Brad Stevens stated if we could just turn this around where the money could come back into contractors this would solve many problems. Russell stated it must be our body who is in charge of the education fund. Taz Biesinger stated "you already have an education fund rated on the 1% fees on building permits." Craig Jackson stated our fund is used up; the amount of money we get from fees is about even from what goes out. Taz stated you already have money accessible. Taz also stated "we are not out to have more unproductive investigators and hope the commission would set up new policies because the division has failed to make rules more effective to make the construction trade more valuable to the industry". Taz said "to create a new fund for education and enforcement would be redundant". Russell stated we need to use the money from the fund appropriately as needed. Tom Mabey stated there are a lot of issues to look at with the laws and rules that have been passed and we need not act too quickly but listen and take the steps necessary to implement these changes. Tom stated he feels the funds should part or completely come back to the division. Russell stated it is not critical to get the education fund through this session but to get a good start and look at it next year after we go through a self analysis. Jason Perry stated there would be a portion of the funds needed for education, enforcement, training and the commission would administer and approve how these funds would be used. Russell stated that this is not new money and we would not be able to keep all the funds. Russell also stated that we would have an opportunity to do this, this year. Taz stated

that would be a political battle and time is better spent to implement continuing education. Taz also stated he would hope the commission would jump on board to get the continuing education program implemented; trying to get funding from the legislature would be hard. Russell stated; he agrees with Taz and said we really need to buckle down on continuing education, but we need a reserve fund when things come up. Russell said we need to go to the legislation next year and present a plan to be implemented. Dan Smith stated as a commission we came up with some pretty good plans on the continuing education. Russell said we need to put together a working group and see where the problems are and put together a plan to start working on. Dennis Meservy stated one of these concerns is the owner/builder exemption which is legislative but we could certainly try to work on this. Brad stated that H.B. 302 has some good things in it except moving to the Real Estate Division. Craig Jackson stated that all the trade organizations need to get a list of there concerns and bring them forward a week before the next meeting. Ross stated the commission should gather these complaints and deal with them and be a little sophisticated in their approach to these concerns. Renee McDonough, IEC of Utah stated she feels the commission is going in the right direction now and she will come back with a list of concerns at the next meeting. Erick Spotten made a motion to change the commission meeting from Wednesday March 30<sup>th</sup> 2005, to Tuesday march 29<sup>th</sup> 2005 due to time schedule conflicts. Brad Stevens 2<sup>nd</sup> it. All voted in favor of the motion.

## **MINUTES**

Tom Mabey made a motion to approve the minutes for January 2005, Brad Stevens 2<sup>nd</sup> it. All voted in favor of the motion.

## **Testing (Thomson Prometric)**

Tony passed out first step for updating the exams which is the content outline for each of the classifications being updated for test specifications. The commission members all got copies to take home to review. Tony stated he will come back to the next meeting to get feedback from the commission. Brad Stevens

stated we need to weed out the professional test takers. Dennis Meservy stated we need to make some effort to keep these people out. Brad said by looking at the test scores getting the B-100, General Building is too easy. Tony said we could run eligibility on testing for contractors like we do for electricians and plumbers. The commission asked how long would it take to make a rule change go into affect. Ray Walker said 45 to 60 days. Ray made a suggestion to get the service of the Attorney Generals Office for these rule changes. Floyd Jackson made a motion to have someone in our next meeting from the Attorney Generals office attend the meeting for rule changes, John Wilcox 2<sup>nd</sup> it. All voted in favor of the motion.

Citation fines (Wayne Holman)

Wayne Holman presented a recommendation for a new fine schedule which the fines have basically doubled to what they had been in the past. Wayne also presented the fine schedule now in place for Utah along with a comparison of fines for Nevada, Arizona and California. Wayne presented a 2004 year-end report for the construction trades on the following; criminal misdemeanor filings, criminal-felony filings, administrative filings, citation fines, administrative fines, cases received, cases assigned, closed cases, citations issued, site surveys, building inspectors, MHRV inspections, owner/builder permits received, and owner/builder investigations. Dennis Meservy stated when the fines are so high the licensee usually ends up going to a hearing. Brad Stevens stated when they go to a hearing the fines usually get cut in half. Ray Walker stated that 20% of the citations issued will go before him and if it is a repeat offense, he is much harder. Ray also stated that he has no problem with the proposed fine schedule Wayne has presented. The commission has agreed to study the proposed fine schedule and come back with a decision at the next meeting

## DISCIPLINARY REVIEW

C K & J's Concrete (W Scott Turner)

Dennis Meservy presented an application Where the licensee had criminal history but Had served his time and was now off probation. Dennis presented the question to the commission if his license should be

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restricted or have full privileges. Erick Spotten made a motion to approve the license with full privileges, Floyd Jackson 2<sup>nd</sup> it. Brad Stevens amended the motion to add that Scott Turner report any arrest within a reasonable amount of time (72 hours or 2 working days) and if convicted for possession or felony convictions would lose his license, Tom Mabey 2<sup>nd</sup> it. All voted in favor of the motion.

Current Creek Metals

Dennis Meservy presented an Order of Dismissal for Current Creek Metals. John Wilcox made a motion to approve the order, Brad Stevens 2<sup>nd</sup> it. All voted in favor of the motion.

Norman Hebron

Dennis Meservy presented a Memorandum of Understanding for a conditioned licensed for Norman Hebron to practice as an Apprentice Electrician in the state of Utah. Brad Stevens made a motion to approve the Memorandum, Erick Spotten 2<sup>nd</sup> it. All voted in favor of the motion.

S.M. Enterprises

Meservy presented a Memorandum of Understanding for Steven B Marsh and S.M. Enterprises for a conditioned license to practice as a painting contractor in the State of Utah. Floyd Jackson made a motion to approve the memorandum, Brad Stevens 2<sup>nd</sup> it. All voted in favor of the motion.

Charles Taylor Communications

Dennis Meservy presented an Order of Dismissal for Charles Taylor Communications. Joe Woolley made a motion to approve the order, John Wilcox it. All voted in favor of the motion.

Sign Pro of Northern Utah

Dennis Meservy presented a Default Order for Sign Pro of Northern Utah for respondent's license to be revoked. Tom mabey made a motion to approve the default order, Joe Woolley 2<sup>nd</sup> the motion. All voted in favor of the motion.

Whitesides tile

Dennis Meservy presented a Default Order for Whitesides Tile for respondent's license to be

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revoked. Brad Stevens made a motion to approve the Order, Wendy Gibbs 2<sup>nd</sup> it. All voted in favor of the motion.

**APPOINTMENTS**

Matthew Bingham

Matthew Bingham came before the commission to present experience that was out of state and not with a licensed contractor. Matthew's experience was from the state Colorado where state licensing is not required for the building trade's profession. Matthew has had experience approved for licensure prior to the trade being regulated in 2000. Matthew has also been an instructor for installing wood flooring and has passed the trade exam and business law exam. Brad Stevens made a motion to approve the experience for the wood flooring classification, Wendy Gibbs 2<sup>nd</sup> it. All voted in favor of the motion.

**All business concluded meeting adjourned.**

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Commission Chairman

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Date

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Dennis Meservy, Bureau Manager

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Date